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PART—I

Notifications, Orders and Declarations by Haryana Government

SECRETARIAT ESTABLISHMENT

Order of Governor of Haryana

The 2nd April, 2007

No. 10/74/82-Estt.-I.—Whereas, Shri Ram Nath Verma, the then Assistant (now Superintendent) while serving on deputation as Administrator, Municipal Committee, Gharaunda in District Karnal during the year 1979 was

allegedly involved in some fraudulent activities causing misappropriation of public money. He was found involved in a Vigilance Enquiry for the purchase of low quality floor weighing machine etc. after obtaining fictitious quotations in the name of bogus firms which were not in existence. Consequently, F.I.R. No. 12, dated 11th June, 1981 under Section 465/468/471/120-B, IPC was registered against him alongwith others by the Vigilance Department, Haryana.

2. And, whereas, the learned Court of Shri B.B. Parsoon, the then CJM, Karnal passed the judgement on 9th May, 1989 under Sections 468 and 120-B, IPC *vide* which Shri Ram Nath Verma, the then Assistant, Haryana Civil Secretariat and his co-accused, namely Shri Satish Kumar were sentenced to undergo RI for 2 years and to pay fine of Rs. 1000/- each and in default of payment of fine to further undergo RI for 6 months for the offence under Section 468 IPC and further sentenced to undergo RI for 1 year for the offence under Section 120-B, IPC and to pay a fine of Rs. 500/- each and in default of payment of fine further RI for 3 months.

3. And, whereas, the execution of the sentence passed by the trial Court was simply suspended by Shri V.K. Kaushal, the then District and Sessions Judge, Karnal *vide* order dated 12th May, 1989.

4. And, whereas, in Criminal Appeal No. 21 of 1990 filed by Shri Ram Nath Verma and co-accused Shri Satish Kumar against the judgement dated 9th May, 1989, Shri Dhani Ram, Additional Sessions Judge, Karnal passed order on 31st January, 1991 as under :—

“Thus each of the two convicts Ram Nath Verma and Satish Kumar is sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs. 1000/- and in default of payment of fine to undergo further rigorous imprisonment for 6 months under Section 468 IPC and each of these two convicts is also sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs. 500/- and in default of payment of fine to undergo further RI for 3 months under section 120-B, IPC, sentences under both sections shall run concurrently.

Consequently, the appeal of the two accused Ram Nath Verma and Satish Kumar is partly accepted in the matter of reduction in their sentence under Section 468 IPC, as aforementioned, but their appeal is hereby dismissed on the point of their conviction and revision filed by Shri Willam Azad is hereby dismissed.”

5. And, whereas, Shri Ram Nath Verma and co-accused Shri Satish Kumar filed a Criminal Revision No. 70 of 1991 against the order dated 31st January, 1991 passed by Shri Dhani Ram, Additional Sessions Judge Karnal, wherein the Hon'ble Punjab and Haryana High Court was pleased to pass the following order on 21st January, 2004 :—

“Keeping in view the facts that the incident relates to the year as back as 1989 and the petitioners have already suffered the agony of protracted trial, it will not be in the interest of justice if the petitioners are now directed to undergo the remaining period of sentence. The ends of justice would be served if the sentence of RI awarded to the petitioners is reduced to that of already undergone. So ordered. However, the sentence of fine is upheld.”

6. Having examined the case, it has now been established that the conviction in this case still stands affirmed. Thus, in totality of the circumstances of the case, it can be concluded that the conduct of Shri Ram Nath Verma, the then Assistant (now Superintendent), Haryana Civil Secretariat which led to his conviction for his involvement in offences falling under moral turpitude is such as to render his further retention in public service undesirable. In the present case, the Government employee has been convicted by a competent court of law and hence there will be no necessity to hold another enquiry and the Government employee can be dismissed simply on the basis of conduct which led to his conviction.

7. Hence, this is a fit case for invoking clause (a) to second proviso to Article 311(2)(b) of the Constitution of India and accordingly, the Governor of Haryana is pleased to dismiss Shri Ram Nath Verma, the then Assistant (now Superintendent), Haryana Civil Secretariat from the service with immediate effect.

Chandigarh :
The 16th March, 2007

PREM PRASHANT,
Chief Secretary to Government, Haryana.